United Nations A/C.5/70/SR.20

General Assembly
Seventieth session

Official Records

Distr.: General
12 January 2016

Original: English

Fifth Committee

Summary record of the 20th meeting
Held at Headquarters, New York, on Tuesday, 15 December 2015, at 10 a.m.

Chair: Mr. Bhattarai (Chair) ..... (Nepal)
later: Mr. Castañeda Solares (Vice-Chair) ..... (Guatemala)
Chair of the Advisory Committee on Administrative and Budgetary Questions: Mr. Ruiz Massieu

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Programme budget implications of draft resolution A/C.6/70/L.13: Report of the International Law Commission on the work of its sixty-seventh session

Programme budget implications of draft resolution A/70/L.22: Oceans and the law of the sea

Programme budget implications of the amendment (A/70/L.26) *to the decision on the work of the Open-ended Working Group on the Fourth Special Session of the General Assembly Devoted to Disarmament recommended in the report of the First Committee on General and complete disarmament* (A/70/460)

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Agenda item 144: Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

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Agenda item 131: Financial reports and audited financial statements, and reports of the Board of Auditors (*continued*)

The meeting was called to order at 10.10 a.m.

Agenda item 134: Proposed programme budget for the biennium 2016-2017 (*continued*)

Estimates in respect of special political missions, good offices and other political initiatives authorized by the General Assembly and/or the Security Council (*continued*)

Organization for the Prohibition of Chemical Weapons — United Nations Joint Investigative Mechanism (A/70/7/Add.17, A/70/348/Add.7 and A/70/348/Add.7/Corr.1)

1. **Ms. Bartsiotas** (Controller), introducing the report of the Secretary-General on the proposed additional resource requirements for 2016 for the Organization for the Prohibition of Chemical Weapons (OPCW) — United Nations Joint Investigative Mechanism (A/70/348/Add.7 and A/70/348/Add.7/Corr.1), said that the requirements, amounting to just over $5 million for the period from 1 January to 30 September 2016, would enable implementation of the Mechanism's mandate pursuant to Security Council resolution 2235 (2015), which established the entity for one year with a possibility of extension.

2. Given the need to ensure the Mechanism's full operationalization within a short span of time, its initial activities for the period from October to December 2015 had been funded under the commitment authority of the Secretary-General pursuant to the provisions of General Assembly resolution 68/249 on unforeseen and extraordinary expenses for the biennium 2014-2015 in the amount of just over $1 million.

3. **Mr. Ruiz Massieu** (Chair of the Advisory Committee on Administrative and Budgetary Questions), introducing the related report of the Advisory Committee (A/70/7/Add.17), said that the Advisory Committee had been informed that the Mechanism would work independently and report to the Security Council, through the Secretary-General, in accordance with Security Council resolution 2235 (2015). The Advisory Committee recommended approval of the proposed resource requirements, apart from the requirements for one of the General Service positions proposed for establishment in the Planning and Operations Support Office in New York.

Programme budget implications of draft resolution A/C.4/70/L.9/Rev.1: Matters relating to activities under the United Nations Programme on Space Applications in 2016 (A/70/7/Add.27; A/C.5/70/11)

Programme budget implications of draft resolution A/C.3/70/L.47: Situation of human rights in the Syrian Arab Republic (A/70/7/Add.31; A/C.5/70/14)

Programme budget implications of draft resolution A/C.3/70/L.14/Rev.1: Persons with albinism (A/70/7/Add.33; A/C.5/70/15)

Programme budget implications of draft resolution A/C.3/70/L.26/Rev.1: Rights of indigenous peoples (A/70/7/Add.32; A/C.5/70/16)

Programme budget implications of draft resolution A/C.3/70/L.39/Rev.1: Situation of human rights in Myanmar (A/70/7/Add.29; A/C.5/70/12)

Programme budget implications of draft resolution A/C.6/70/L.13: Report of the International Law Commission on the work of its sixty-seventh session (A/70/7/Add.36; A/C.5/70/13)

Programme budget implications of draft resolution A/70/L.22: Oceans and the law of the sea (A/70/7/Add.38; A/C.5/70/17)

Programme budget implications of the amendment (A/70/L.26) *to the decision on the work of the Open-ended Working Group on the Fourth Special Session of the General Assembly Devoted to Disarmament recommended in the report of the First Committee on general and complete disarmament* (A/70/460) (A/70/7/Add.37; A/C.5/70/18)

Revised estimates resulting from the decisions contained in the Addis Ababa Action Agenda of the Third International Conference on Financing for Development and the outcome document of the United Nations summit for the adoption of the post-2015 development agenda, entitled "Transforming our world: the 2030 Agenda for Sustainable Development" (*continued*) (A/70/7/Add.39 *and* A/70/589)

4. **Ms. Bartsiotas** (Controller), introducing the statement submitted by the Secretary-General in accordance with rule 153 of the rules of procedure of the General Assembly of the programme budget implications of draft resolution A/C.4/70/L.9/Rev.1: Matters relating to activities under the United Nations Programme on Space Applications in 2016 (A/C.5/70/11), said that the Fourth Committee had agreed to reinstate, for implementation in 2016, four of the activities planned under the United Nations Programme on Space Applications for 2015 that had not been agreed upon by the Committee on the Peaceful Uses of Outer Space at its fifty-eighth session. As no provisions for the activities had been incorporated in the proposed programme budget for 2016-2017 and the related requirements could not be accommodated without affecting other programmed activities additional requirements in the amount of $197,800 would need to be included in the proposed programme budget for 2016-2017.

5. Introducing the Secretary-General's statements of the programme budget implications of draft resolution A/C.3/70/L.47: Situation of human rights in the Syrian Arab Republic (A/C.5/70/14), draft resolution A/C.3/70/L.14/Rev.1: Persons with albinism (A/C.5/70/15) and draft resolution A/C.3/70/L.26/Rev.1: Rights of indigenous peoples (A/C.5/70/16), she said that those draft resolutions would entail additional combined resources in the amount of $152,700 under section 2, General Assembly and Economic and Social Council affairs and conference management, of the proposed programme budget for the biennium 2016-2017.

6. Introducing the Secretary-General's statement of the programme budget implications of draft resolution A/C.3/70/L.39/Rev.1: Situation of human rights in Myanmar (A/C.5/70/12), she said that the draft resolution would entail additional resource requirements in the amount of $1.1 million, as proposed in the context of the report of the Secretary-General on estimates in respect of special political missions (A/70/348/Add.1). If approved, the requirements would be charged against the provision for special political missions under section 3, Political affairs, of the proposed programme budget for 2016-2017.

7. Introducing the Secretary-General's statement of the programme budget implications of draft resolution A/C.6/70/L.13: Report of the International Law Commission on the work of its sixty-seventh session (A/C.5/70/13), she said that the draft resolution would entail additional requirements in the amount of $232,100 under section 8, Legal affairs, to cover travel costs related to the extension of the session from 10 to 12 weeks.

8. Introducing the Secretary-General's statement of the programme budget implications of draft resolution A/70/L.22: Oceans and the law of the sea (A/C.5/70/17), she said that the draft resolution, by which the General Assembly requested the Secretary-General to address the immediate working space needs of the Commission on the Limits of the Continental Shelf and to make proposals in the context of the 2016-2017 budget to strengthen the capacity of the Division for Ocean Affairs, would entail additional requirements totalling $968,900 net of staff assessment under section 8, Legal affairs, and section 29D, Office of Central Support Services.

9. Introducing the Secretary-General's statement of the programme budget implications (A/C.5/70/18) of the amendment (A/70/L.26) to the decision on the work of the Open-ended Working Group on the Fourth Special Session of the General Assembly Devoted to Disarmament recommended in the report of the First Committee on general and complete disarmament (A/70/460), she said that the draft decision would entail additional resource requirements amounting to $392,900 under section 2, General Assembly and Economic and Social Council affairs and conference management.

10. Introducing the Secretary-General's report on the revised estimates resulting from the decisions contained in the Addis Ababa Action Agenda of the Third International Conference on Financing for Development and the outcome document of the United Nations summit for the adoption of the post-2015 development agenda, entitled "Transforming our world: the 2030 Agenda for Sustainable Development" (A/70/589), she said that additional resource

requirements for the biennium 2016-2017 in the amount of just over $15 million were proposed for the immediate implementation of the mandates called for under General Assembly resolutions 69/313 and 70/1. When those resolutions were adopted, the Secretary-General had advised the General Assembly that more time was required to assess the related budgetary implications and that revised estimates would be submitted at the main part of the seventieth session. Additional resources were now being sought to implement those activities for which clear and specific mandates had been established by the General Assembly. The Secretary-General's report (A/70/589) had been finalized following a meeting of the United Nations Chief Executives Board for Coordination in November 2015, at which the responses of stakeholders from across the United Nations system to the outcome documents had been considered. Pursuant to General Assembly resolution 70/1, the Secretary-General intended to submit a report for the consideration of the Assembly at its resumed seventieth session in preparation for the 2016 meeting of the high-level political forum on sustainable development, at which critical milestones towards coherent, efficient and inclusive follow-up and review would be outlined.

11. **Mr. Ruiz Massieu** (Chair of the Advisory Committee on Administrative and Budgetary Questions), introducing the report of the Advisory Committee on the programme budget implications of draft resolution A/C.4/70/L.9/Rev.1: Matters relating to activities under the United Nations Programme on Space Applications in 2016 (A/70/7/Add.27), said that the Advisory Committee recommended that the Fifth Committee should inform the General Assembly that, should it adopt the draft resolution, additional resources in the amount of $197,800 would be required under the proposed programme budget for 2016-2017. The Advisory Committee noted that the language used in the final sentence of paragraph 9 of the Secretary-General's statement (A/C.5/70/11) and in the draft resolution might not be consistent with the Financial Regulations and Rules. The correct interpretation of the Regulations and Rules should be reflected in the Secretary-General's reports to the General Assembly and, in accordance with section VI of General Assembly resolution 45/248 B, the Secretary-General should provide all intergovernmental bodies with the required information regarding procedures for administrative and budgetary matters.

12. Introducing the reports of the Advisory Committee on the programme budget implications of draft resolution A/C.3/70/L.47: Situation of human rights in the Syrian Arab Republic (A/70/7/Add.31), draft resolution A/C.3/70/L.14/Rev.1: Persons with albinism (A/70/7/Add.33) and draft resolution A/C.3/70/L.26/Rev.1: Rights of indigenous peoples (A/70/7/Add.32), he said that, for each of the three draft resolutions, the General Assembly had been requested to approve resource requirements in the amount of $50,900 to cover the cost of conference services. The Advisory Committee recommended that the General Assembly should request the Secretary-General to make every effort to absorb the additional requirements and that, if they could not be absorbed, the related expenditures should be reflected in the performance reports for the biennium.

13. Introducing the report of the Advisory Committee on the programme budget implications of draft resolution A/C.3/70/L.39/Rev.1: Situation of human rights in Myanmar (A/70/7/Add.29), he said that the Advisory Committee recommended that the General Assembly should approve the proposed resource requirements of $1.1 million for the office of the Special Adviser to the Secretary-General on Myanmar.

14. Introducing the report of the Advisory Committee on the programme budget implications of draft resolution A/C.6/70/L.13: Report of the International Law Commission on the work of its sixty-seventh session (A/70/7/Add.36), he said that, in the Advisory Committee's first reports on the proposed programme budgets for the bienniums 2014-2015 and 2016-2017, it had recommended that the full amount of resources required for sessions of the International Law Commission of up to 12 weeks should be included in the overall proposed allocation for section 8, Legal affairs. It therefore recommended that the General Assembly should request the Secretary-General to absorb the proposed additional requirements of $232,100 under section 8 of the proposed programme budget for the biennium 2016-2017.

15. Introducing the report of the Advisory Committee on the programme budget implications of draft resolution A/70/L.22: Oceans and the law of the sea (A/70/7/Add.38), he said that the Advisory Committee recommended that the General Assembly should approve the proposed additional resource requirements totalling $968,900, which would provide for the establishment of two new Professional posts, one P-3

and one P-4, to strengthen the capacity of the Division for Ocean Affairs and the Law of the Sea, and of the Office of Legal Affairs, and should apply the separate vacancy rate of 50 per cent for the new posts. While the Advisory Committee understood the special technical needs of the Commission on the Limits of the Continental Shelf, it stressed that the proposed requirements in the amount of $147,000 under section 29D should be prioritized.

16. Regarding the new P-3 post requested to respond to the increased number of requests to the Division for additional outputs and the servicing of meetings, the Secretary-General should have informed the General Assembly of the additional resource requirements in his report on the revised estimates resulting from the decisions contained in General Assembly resolution 69/292 (A/70/543). Equally, the additional resources requested for improvements to address the Commission's immediate working space needs should have been requested in the context of the proposed programme budget rather than through a General Assembly resolution with financial implications.

17. Introducing the Advisory Committee's report (A/70/7/Add.37) on the programme budget implications of the amendment (A/70/L.26) to the decision recommended in the report of the First Committee on general and complete disarmament (A/70/460), he said that the proposed additional resources would cover conference-servicing requirements for two additional substantive sessions of five days each of the Open-ended Working Group on the Fourth Special Session of the General Assembly Devoted to Disarmament. The Advisory Committee recommended that the Fifth Committee should inform the General Assembly that, should it adopt the draft decision, additional resources in the amount of $392,900 would be required under the proposed programme budget for 2016-2017.

18. Introducing the Advisory Committee's report on the revised estimates resulting from the decisions contained in the Addis Ababa Action Agenda of the Third International Conference on Financing for Development and the outcome document of the United Nations summit for the adoption of the post-2015 development agenda (A/70/7/Add.39), he said that the late submission of the report of the Secretary-General (A/70/589) had prevented the Advisory Committee from properly examining the Secretary-General's proposals and providing observations and recommendations to the General Assembly. In order to enable implementation of the related activities from the beginning of January 2016, the Advisory Committee recommended that the General Assembly should authorize the Secretary-General to enter into commitments of no more than $7,547,300 in the first year of the biennium 2016-2017. With the approval of the General Assembly, the Advisory Committee would revert to its consideration of the Secretary-General's proposals at its next session.

19. **Mr. Davidson** (South Africa), speaking on behalf of the Group of 77 and China, recalled the Group's concerns at the delay in the preparation of the revised estimates for the 2030 Agenda for Sustainable Development and the Addis Ababa Action Agenda and noted the efforts undertaken by the Secretary-General to provide partial estimates at the main part of the session. The Group supported the mandate of the Department of Economic and Social Affairs and its leading role in the implementation of both outcome documents.

20. Regional efforts and action by the United Nations system to ensure an enabling domestic environment were essential for the implementation of both frameworks. To that end, the Group was concerned that the revised estimates did not constitute a comprehensive proposal that fully addressed the needs of Member States, as they did not adequately account for the incorporation of regional consultations and perspectives in the preparatory work for follow-up to and review of the financing for development outcomes, and review of the 2030 Agenda at the high-level political forum on sustainable development, as provided for in General Assembly resolutions 69/313 and 70/1. Regional commissions must be actively involved in the preparations for both review processes, and a comprehensive proposal indicating the budgetary implications should be provided expeditiously.

21. **Mr. de Preter** (Observer for the European Union), speaking also on behalf of the candidate countries Albania, Montenegro and the former Yugoslav Republic of Macedonia; the stabilization and association process country Bosnia and Herzegovina; and, in addition, Ukraine, commended the unprecedented ambition of the 2030 Agenda and the Addis Ababa Action Agenda as providing a global framework for action of which all Member States could be proud. The members of the European Union would contribute to its implementation and to the

strengthening of the related follow-up and review mechanisms.

22. His delegation was nonetheless deeply concerned by the Secretary-General's report, which, contrary to its expectations, did not constitute a comprehensive, system-wide proposal for how the United Nations system would adapt to the 2030 Agenda, including budgetary implications, but was instead the product of a bottom-up, Department of Economic and Social Affairs-centred approach. Moreover, the methodology used was imprecise, requests were not sufficiently substantiated and baselines were unclear. Implementation of the 2030 Agenda would, first and foremost, take place at the country level; the main effort across the United Nations system should therefore be to reprioritize and redeploy resources, avoid duplication and improve coherence and efficiency, a point that was not reflected in the Secretary-General's report. By treating the 2030 Agenda and the Addis Ababa Action Agenda as two largely autonomous processes, the report perpetuated silos. It provided no suggestions for improving coordination of the work of the Department of Economic and Social Affairs or ensuring that integrated Secretariat support was provided for the high-level political forum on sustainable development and the Economic and Social Council, and offered no integrated vision for drawing upon the expertise already available in the Secretariat in following up on the 2030 Agenda.

23. The members of the European Union concurred with the conclusions of the Advisory Committee and stood ready to adopt its recommended approach in order to ensure that the implementation of activities could commence, while acknowledging that further efforts were required to determine how the decisions contained in the 2030 Agenda would be implemented. They looked forward to the issuance of recommendations by the Secretary-General in that regard, in accordance with paragraph 90 of General Assembly resolution 70/1.

24. **Mr. Dettling** (Switzerland), speaking also on behalf of Liechtenstein, said that the 2030 Agenda and Addis Ababa Action Agenda were ground-breaking achievements that provided a global framework and implementation strategy for the realization of sustainable development and eradication of poverty at the national and international levels. It was therefore regrettable that the Secretary-General's report had been submitted to the Advisory Committee only a few days previously, impeding its ability to consider the proposals. He was concerned that inefficient internal processes and the absence of a strategic approach had contributed to the delay: the Secretary-General should examine the causes for the late submission.

25. The two delegations were not convinced that the proposals in the Secretary-General's report reflected the strategic vision and integrated approach called for by Member States at the third International Conference on Financing for Development and the United Nations summit for the adoption of the post-2015 development agenda. Similarly, the proposals did not reflect adequate efforts on the part of the Secretary-General to abandon old structures and concepts that were unsuited to the challenges that lay ahead and there was no indication that he had seized the opportunity to create mechanisms and platforms to ensure coherent Secretariat support for delivery of the related mandates. He questioned whether the proposals were fully in line with the agreements reached by Member States.

26. The two delegations were committed to the effective implementation of the new global agenda. While they did not object to the commitment authority recommended by the Advisory Committee, they looked forward to providing further guidance at the first part of the resumed session.

27. **Mr. Ko** Jae Sin (Republic of Korea) welcomed the submission of the Secretary-General's report, although its delayed issuance had prevented the Fifth Committee from examining it thoroughly. His delegation emphasized the need for a holistic and coherent approach across the United Nations system to ensure the efficient and effective implementation of the Addis Ababa Action Agenda and the 2030 Agenda: it looked forward to the Secretary-General's blueprint for adapting the system's activities to the requirements of the 2030 Agenda. Given the shared responsibility of stakeholders for implementation of the outcomes, a comprehensive picture of the related funding mechanism and each organization's role should be presented as soon as possible. Additional resource requirements should be minimized through the reallocation of existing resources and realignment of business structures.

28. Cognizant of the urgent need for the Secretariat to prepare for the various activities, particularly

follow-ups and reviews, mandated by the Addis Ababa Action Agenda and the 2030 Agenda, he called for Member States to find financing solutions for the implementation of the related frameworks.

29. **Ms. Fujimoto** (Japan) said that her Government had participated constructively in negotiations on the 2030 Agenda and Addis Ababa Action Agenda and was committed to their implementation. While the outcomes were important milestones for sustainable development, the Secretary-General's call to do more with less should be borne in mind in the context of their implementation, given the limited resources available. Even at first glance, the revised estimates included additional resource requirements that were based on assumptions subject to the consideration of Member States outside the Fifth Committee, in particular with regard to follow-up to and review of the 2030 Agenda, and on interpretations that were inconsistent with the agreements reflected in the outcomes. It was alarming that Member States had not been consulted during preparation of the estimates, which did not appear to take into account the need to redeploy and utilize existing resources available to the Organization, including in the United Nations Development Group. Her delegation would examine the estimates from that perspective. It also regretted that the Secretary-General's report had not been issued until roughly a week prior to the conclusion of the Fifth Committee's deliberations, leaving inadequate time for in-depth discussions, including on the concerns expressed by her delegation.

30. **Mr. Awad** (Syrian Arab Republic) said that, although the Committee's discussions were usually limited to technical matters, his delegation wished to comment on its total rejection of the draft resolution on the situation of human rights in the Syrian Arab Republic (A/C.3/70/L.47), in respect of which the Secretary-General had submitted a statement of programme budget implications. The draft resolution was nothing more than a frantic attempt to pillory his Government, and it was offensive for the sponsors, the Saudi Arabian and Qatari regimes, to speak of such noble ideals as human rights and democracy, which they had never respected either in word or in deed, the concepts being totally alien to their cultures. Anyone who doubted his assertions could go and see the truth of how life was lived in those two countries. The sponsors' objective had been to engage in political extortion in pursuit of narrow interests and to use the draft resolution as a cheap tool to harm legitimate Governments.

31. His Government rejected the draft resolution chapter and verse, and wished to express a reservation regarding the appropriation of financial resources for its implementation in opposition to the position of the Non-Aligned Movement, which refused to consider draft General Assembly resolutions that singled out its members for interventionist political ends in contravention of the Charter of the United Nations and international law.

32. Recalling the legal principle *nemo dat quod non habet*, he said that it was unacceptable for Member States to adopt a draft resolution on human rights sponsored by Saudi Arabia, which was not a party to the International Covenant on Civil and Political Rights, in contrast to the Syrian Arab Republic, which had become a party in 1969. It was ironic for the Saudi Arabian ruling class to lecture his Government on democracy and human rights when it deprived its own people of participation in parliamentary, political and judicial institutions and denied them the most basic elements of a free and dignified life; neither Saudi Arabia nor Qatar had ever had a constitution or a parliament or freedom for women.

33. The draft resolution was highly politicized. In paragraph 41, the General Assembly requested the Secretary-General to report on the implementation of the draft resolution by the Syrian authorities within 45 days of its adoption. He wondered what benefit there was in such a request, which would waste time and money, given that the Syrian question was discussed on a daily basis in other forums at the highest levels of the Organization. There was no reason for a financial appropriation, even one as small as the $50,900 proposed by the Secretary-General in his statement of programme budget implications, to fulfil the requirements of the draft resolution. No one was happy with the adoption of such politicized resolutions and the waste of money, when States were seeking to limit expenditure. It would be better to use resources for the provision of material assistance to the Syrian people rather than for one-upmanship and political blackmail.

34. The Saudi Arabian regime, bloated with money and oil, should be ashamed of requesting such an appropriation, which would have to be met from the contingency fund, when everyone was aware that the

regime had spent millions of dollars to finance armed *takfirist* Wahhabi terrorist groups that violated the human rights of Syrians. The regime was complicit in the continuing suffering in his country and in impeding a peaceful political resolution, thereby undermining the positive momentum generated by the work of the Secretary-General's Special Envoy for Syria, the peace talks in Vienna, and other international efforts. His Government reiterated its commitment to the human rights and fundamental freedoms of its citizens in accordance with the Charter and international law.

35. **Mr. Hanna** (United States of America) said that ambitious action was needed to advance the Addis Ababa Action Agenda and the 2030 Agenda for Sustainable Development, through which Member States had embraced a new way of addressing development by building on country commitments and refining the international development architecture, including that of the United Nations. Considered responses were needed to ensure that the agreements yielded results on the ground. His delegation was concerned that the revised estimates pre-empted Member State decisions on follow-up to and review of the agreements. Such presumptions were not an appropriate basis for seeking additional funding.

36. His delegation had understood that coordinated United Nations support for the agreements would be based on a thorough review of United Nations structures by the Secretary-General to ascertain whether the resources currently allocated to the Millennium Development Goals could be channelled into honouring new commitments that built on previous ones. Unfortunately, a business-as-usual approach appeared to have been adopted, since the revised estimates were not based on credible analysis of how to reprioritize resources or a coherent assessment of the ways in which the United Nations could best support Member States and stakeholders. The Advisory Committee had addressed those concerns in its recommendations on a possible way forward.

37. **Mr. Ameen** (Saudi Arabia), speaking in exercise of the right of reply, said that the Committee's work was indeed technical rather than political, and his delegation deplored the baseless allegations made against his country by the representative of the Syrian Arab Republic, which were no more than a desperate attempt to divert attention from the Syrian regime's ignoble and barbaric crimes against its own people.

38. **Mr. Awad** (Syrian Arab Republic), speaking in exercise of the right of reply, said that he had expected the representative of Saudi Arabia to have nothing to say in response to his words, all of which had been true: the draft resolution ran counter to the position of the Non-Aligned Movement and Saudi Arabia was not a party to the International Covenant on Civil and Political Rights. His comments had been based on United Nations reports and resolutions. Anyone who doubted his assertions regarding the Saudi Arabian regime's support for terrorism could corroborate them by consulting the lists maintained by the Security Council on such groups as Al-Qaida, the Taliban and Islamic State in Iraq and the Levant.

39. *Mr. Castañeda Solares (Guatemala), Vice-Chair, took the Chair.*

Agenda item 144: Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994 (A/70/448, A/70/553 and A/70/600)

Agenda item 145: Financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 (A/70/397, A/70/554 and A/70/600)

Agenda item 146: Financing of the International Residual Mechanism for Criminal Tribunals (A/70/378, A/70/558 and A/70/600)

40. **Mr. Huisman** (Director, Programme Planning and Budget Division), introducing the Secretary-General's report on the budget for the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994, for the biennium 2016-2017: Liquidation (A/70/448), said that the proposed budget indicated the resources required for the period from 1 January to 31 May 2016. The

liquidation phase would include the disposal of assets, the repatriation of staff members and their families, the settlement of liabilities, the dismantling of temporary structures, and the repair and handover of rented premises. The resources required amounted to $2.5 million before recosting and covered 43 staffing positions.

41. Introducing the Secretary-General's second performance report on the budget of the International Criminal Tribunal for Rwanda for the biennium 2014-2015 (A/70/553), he said that the proposed final appropriation was $169.3 million, $74.5 million more than the revised appropriation, mainly as a result of the inclusion of provisions for after-service health insurance and for the pensions of judges and their eligible family members, in a total amount of $63.3 million.

42. Introducing the Secretary-General's report on the budget for the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, for the biennium 2016-2017 (A/70/397), he said that the budget proposal, expected to be the last for the Tribunal, took into account the completion of judicial proceedings and the transfer of functions, records and archives to the International Residual Mechanism for Criminal Tribunals. The overall resources required amounted to $113.6 million before recosting, $87.7 million, or 43.6 per cent, less than the revised appropriation for 2014-2015. The proposal included the retention of 328 temporary posts until December 2016 and 97 temporary posts until December 2017, with the abolishment of 282 posts, or 74.4 per cent of the current total of 379.

43. Introducing the Secretary-General's second performance report on the budget of the International Tribunal for the Former Yugoslavia for the biennium 2014-2015 (A/70/554), he said that anticipated final expenditure amounted to $191.1 million, $10.2 million less than the revised appropriation, mainly owing to the strengthening of the dollar against the euro.

44. Introducing the Secretary-General's report on the budget for the International Residual Mechanism for Criminal Tribunals for the biennium 2016-2017 (A/70/378), he said that the Mechanism would continue to implement its mandated functions, assume responsibility for appeals proceedings in the four cases currently being tried by the International Tribunal for the Former Yugoslavia, monitor referred cases of the International Criminal Tribunal for Rwanda, acquire additional transitional functions as the closure of the Tribunals approached, and establish its independent administration. The proposed resources amounted to $140.9 million before recosting, $25.4 million more than the revised appropriation for 2014-2015. The establishment of 51 new posts, including 48 posts at the Arusha branch, the redeployment of one post from The Hague to Arusha, and the establishment of two posts in The Hague and one post in New York, would increase the number of temporary posts from 126 to 177.

45. Introducing the Secretary-General's second performance report on the budget of the International Residual Mechanism for Criminal Tribunals for the biennium 2014-2015 (A/70/558), he said that the proposed final appropriation was $71.6 million, $43.9 million less than the revised appropriation, because of a lower-than-anticipated level of judicial activity owing to the non-arrest of two fugitives who had been indicted by the International Criminal Tribunal for Rwanda and whose trial had been scheduled for the biennium 2014-2015, and the postponement of appeals in two cases in The Hague because of delays in the trial proceedings.

46. **Mr. Ruiz Massieu** (Chair of the Advisory Committee on Administrative and Budgetary Questions), introducing the related report of the Advisory Committee (A/70/600), said that the Advisory Committee recommended that the General Assembly should approve the final appropriations proposed in the Secretary-General's second performance reports on the budgets of the International Criminal Tribunal for Rwanda, the International Tribunal for the Former Yugoslavia and the International Residual Mechanism for Criminal Tribunals for the biennium 2014-2015.

47. With regard to the budget for the International Criminal Tribunal for Rwanda for the biennium 2016-2017, the Advisory Committee recommended reductions in the proposed staffing of the liquidation team, in view of the functions relating to some of the proposed positions and existing capacity.

48. With respect to the Secretary-General's report on the budget for the International Tribunal for the Former Yugoslavia for the biennium 2016-2017, the Advisory Committee recommended reductions in non-post

requirements and reiterated that the Tribunal should complete its mandate in a timely manner.

49. With regard to the Secretary-General's report on the budget for the International Residual Mechanism for Criminal Tribunals for the biennium 2016-2017, the Advisory Committee recommended against the establishment of a temporary P-3 post in New York and made other recommendations related to non-post requirements.

50. **Mr. Davidson** (South Africa), speaking on behalf of the Group of 77 and China, said that the Group appreciated the quality of the reports of the Board of Auditors on the International Criminal Tribunal for Rwanda (A/70/5/Add.13), the International Tribunal for the Former Yugoslavia since 1991 (A/70/5/Add.14 and A/70/5/Add.14/Corr.1) and the International Residual Mechanism for Criminal Tribunals (A/70/5/Add.15). The Board should continue to issue separate reports for the entities, as requested by the Group, in particular for the final accounts of the International Criminal Tribunal for Rwanda. All recommendations by the Board should be implemented in a timely fashion.

51. With regard to the Secretary-General's second performance reports on the three entities, the final appropriations were lower than the revised appropriations, except in the case of the International Criminal Tribunal for Rwanda. The Group would seek further information on the variances in informal consultations.

52. With regard to the Secretary-General's report on the budget for the International Criminal Tribunal for Rwanda for the biennium 2016-2017, the Group was mindful of the challenges faced in similar liquidation processes and would scrutinize the proposed resources. Institutional memory must be maintained, and the Secretary-General should take additional measures to protect records, information and inventory during liquidation.

53. The Group noted the staffing reduction target proposed in the Secretary-General's report on the budget for the International Tribunal for the Former Yugoslavia for the biennium 2016-2017. It was concerned about implementation of the completion strategy, which was lagging behind the liquidation of the International Criminal Tribunal for Rwanda, and would seek further information regarding the planning assumptions and the ability of the International Tribunal for the Former Yugoslavia to complete its mandate in a timely manner. It would also request information on how the imbalance in geographical representation at the International Tribunal for the Former Yugoslavia had been addressed.

54. With regard to the Secretary-General's report on the budget for the International Residual Mechanism for Criminal Tribunals for the biennium 2016-2017, the Group noted the increase of $140.9 million in resources from 2014-2015 would seek further information regarding travel, including by the Registrar between Arusha and The Hague, and would examine the double-hatting arrangement between the Mechanism and the International Tribunal for the Former Yugoslavia, as well as staff costs at the two entities. The Secretary-General should as a matter of priority address the absorption, at the Arusha branch of the Mechanism, of General Service staff of the International Criminal Tribunal for Rwanda, including security staff. The Group would request updates on the matter, and on the construction in Arusha, in informal consultations.

55. **Mr. Kisoka** (United Republic of Tanzania), speaking on behalf of the Group of African States, said that the recommendations of the Board of Auditors regarding delays in closing the activities of the International Tribunal for the Former Yugoslavia, the use of out-of-date statistics for the transfer of the archives and records of the Tribunal to the International Residual Mechanism, delays in preparations for the transfer, and updates on the International Public Sector Accounting Standards and other financial indicators at the Mechanism, should be implemented in a timely manner. The Group would seek clarification of the issues raised by the Board.

56. The Group noted the proposed final appropriations of $432.04 million in the second performance reports on the budgets of the three entities for the biennium 2014-2015, $20.3 million less than the revised appropriations. The Group would seek clarification of budget performance as it related to mandate implementation, including implementation of the completion strategy at the International Tribunal for the Former Yugoslavia and the liquidation process at the International Criminal Tribunal for Rwanda, as well as the transition to the Mechanism and national jurisdictions.

57. With respect to the Secretary-General's reports on the budgets for the three entities for the biennium 2016-2017, the Group would seek clarification of the request for resources for the liquidation of the International Criminal Tribunal for Rwanda and for the transitional functions acquired by the Mechanism. It disagreed with the Advisory Committee regarding the budget for the liquidation of the International Criminal Tribunal for Rwanda. The liquidation should be carefully handled to ensure that the work of the Tribunal was preserved. Regarding the Mechanism, the construction of the new facilities at the Arusha branch should be completed to allow timely occupancy and avoid cost overruns. The Group would make proposals to improve recruitment, procurement and oversight at the Mechanism, as well as in respect of the double-hatting arrangement at the Tribunals and Mechanism. He trusted that the United Nations system would absorb former staff of the International Criminal Tribunal for Rwanda.

58. **Mr. Khalizov** (Russian Federation) said that his delegation was concerned about the delays in the completion of the activities of the International Tribunal for the Former Yugoslavia, particularly compared with the liquidation of the International Criminal Tribunal for Rwanda, scheduled for May 2016. The proposed budget for the biennium 2016-2017 should be the last for the International Tribunal for the Former Yugoslavia. Strict adherence to the rules governing financial and human resource management was essential during the completion of activities. Duplication and the uneconomical use of budget resources would be unacceptable during the transfer of functions to the International Residual Mechanism for Criminal Tribunals. His delegation would draw attention to such matters, and others related to the completion of the work of the Tribunals, in informal consultations.

Agenda item 131: Financial reports and audited financial statements, and reports of the Board of Auditors (*continued*) (A/C.5/70/L.8)

Draft resolution A/C.5/70/L.8: Financial reports and audited financial statements, and reports of the Board of Auditors

59. *Draft resolution A/C.5/70/L.8 was adopted.*

The meeting rose at 11.35 a.m.